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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/515,809 | 02/29/2000 | Steve Trong | CISCO-1937 | 9991 |
| 7590 | 12/17/2003 | | EXAMINER | |
| Timothy A Brisson Sierra Patent Group Ltd PO Box 6149 Stateline, NV 89449 | | | ZIA, MOSSADEQ | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2134 | |
| DATE MAILED: 12/17/2003 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------|------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/515,809 | TRONG, STEVE | |
| | Examiner Mossadeq Zia | Art Unit 2134 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 February 2000.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) Interview Summary (PTO-413) Paper No(s) _____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 recites the limitation "firewall application" in line 3, 4, 5. There is insufficient antecedent basis for this limitation in the claim. It is the examiners understanding that this limitation should be declared as part of the system in claim 1.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-14 are rejected under 35 U.S.C. 102(b) as anticipated by Patent No. 5,689,566, Nguyen.

3. Regarding claims 1 and 9, Nguyen shows a communication system having a checkpoint server and a router, said router having a router server, a method for reconstructing separate but interrelated data comprising:

Determining whether there has been a new connection having a corresponding base layer established through said router (request router, Nguyen, col. 2, line 64-65, col. 3, line 1-2, fig. 1, element 106);

If there is new connection through said router, creating a unique connection identifier (session key) for said new connection (Nguyen, col. 5, line 7-8); and

Store said corresponding base layer with said unique connection identifier therein within said checkpoint server (requester, Nguyen, col. 5, line 7-8, col. 11, line 41, fig. 1, element 110).

4. Regarding claims 2, 10, Nguyen shows claim 1 and 9 above, and further show the acts of: determining whether there has been a change of state (error) for an existing connection running on said router (Nguyen, fig. 2 element 106, 206, col. 7, line 43-44; col. 9, line 3);

if there has been a change of state for an existing connection running on said router, then checkpointing data (packet) corresponding to said existing connection to said checkpoint server with said unique connection identifier embedded therein (Nguyen, col. 9, line 4).

5. Regarding claims 3, 11, Nguyen shows claim 1 and 9 above, and further show the acts of: determining whether there is data available within said checkpoint server for said firewall application (Nguyen, col. 2, 57-59, col. 9, line 49); and

recovering said data by said firewall application from said checkpoint server if there is data available within said checkpoint server for said firewall application (Nguyen, col. 8, line 12-15, col. 9, line 49-50).

6. Regarding claims 4 and 12, Nguyen shows a communication system having a checkpoint server, a router, and a firewall application, said router having a router server and at least one application module running therein, a method for constructing separate but interrelated data comprising:

Determining whether there is data (handle) available within the checkpoint server (Nguyen, col. 7, line 41-43); and

Recovering, by the firewall application and the at least one application module (session write thread, Nguyen, col. 2, line 57-58, col. 7, line 34-35, 48),
said data from the said checkpoint server if there is data available within said checkpoint server (Nguyen, col. 7, line 36-38, 41-42).

7. Regarding claims 5 and 13, Nguyen shows a communications system having a checkpoint server, a router, and a firewall application having at least one connection therethrough, a method for uniquely checkpointing data comprising:
creating a unique connection identifier corresponding to each at least one connection through the router (session key, Nguyen, col. 5, line 7-8);
checkpointing data regarding said at least one connection through said router within said checkpoint server (requester, Nguyen, col. 5, line 7-8, col. 11, line 41, fig. 1, element 110); and
encoding (encrypt) said checkpointing data within said checkpoint server with said corresponding unique connection identifier (Nguyen, col. 5, line 27-28).

8. Regarding claims 6, 14, Nguyen shows claim 5 and 13 above, and further show the acts of:
recovering said checkpointing data (Nguyen, col. 8, line 12-15, col. 9, line 49-50); and
reassembling said checkpointing data according to said unique connection identifier (Nguyen, col. 7, line 51-52, 55-56).

9. Regarding claim 7, Nguyen shows a communications system apparatus, having a router with connections running therethrough, the router further having a router server therein, said communications system comprising:

a firewall application device running within the router, said firewall application device responsive to connections made through said router; and

a checkpoint server device running within said router, said checkpoint server device responsive to said firewall application device (Nguyen, col. 2, line 57-58, fig. 4A-C, col. 9, line 11-12), said firewall application device configured to create a unique connection identifier (session key) in response to connections made through said router (Nguyen, col. 5, line 7-8), and said firewall application device configured (Nguyen, col. 9, line 60-61) to checkpoint data associated with said connections (Nguyen, col. 5, line 28-29) with corresponding said unique connection identifier embedded therein to said checkpoint server (Nguyen, col. 5, line 7-8).

10. Regarding claim 8, Nguyen shows claim 7 above, and further show firewall application device is further configured to recover said data from said checkpoint server (Nguyen, col. 8, line 12-15, col. 9, line 49-50) and reassembling said data using said unique connection identifier embedded within said data (Nguyen, col. 7, line 51-52, 55-56).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mossadeq Zia whose telephone number is 703-305-8425. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-3900.


GREGORY MORSE
SUPPLYING PATENT EXAMINER
TECHNOLOGY CENTER 2100

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Examiner
Art Unit 2134

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